REMARKS

Claims 1-12 were presented for examination. In the Office Action dated September 30, 2003, claims 1-12 were rejected. Applicants thank Examiner for examination.

Applicants make no amendments to the claims. Claims 1-12 remain pending. Applicants herein amend the specification. Such amendment merely specifies recently received U.S. Patent Applicaton Serial Nos. and, thus, add no new matter. Applicants now request reconsideration and allowance of all pending claims.

In paragraph 2, Examiner provisionally rejected claims 1-12 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-35 of copending U.S. Application No. 09/569,761. Furthermore, in paragraph 3, Examiner provisionally rejected claims 7 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-15 of copending U.S. Application No. 09/853,556. Applicant respectfully traverses these rejections with a terminal disclaimer in compliance with 37 C.F.R. 1.321(c) filed herewith.

In paragraph 5, Examiner rejected independent claims 1 and 7 under 35 U.S.C. § 103(a) as being anticipated by Bodell (U.S. Patent No. 4,768,186) in view of motivation by one of ordinary skill in the art. Applicants resectfully traverse this rejection. Claim 1 is directed towards a method for compensating dispersion effects in an optical fiber communications system. In part, claim 1 recites "receiving at least two low-speed channels, each low-speed channel allocated a different frequency band of an optical fiber communications system for transmission across the communications system" (emphasis added). In the Office Action, Examiner suggests that the MUXes 2-6 in Bodell combine signals in a manner so that different signals occupy different frequency bands. Even assuming for the moment that this is the case, the FM modulator 7 in Bodell then frequency modulates this signal. The frequency modulation outputs a signal that does not have the signal structure recited in claim 1. After the frequency modulation, each incoming signal does not occupy a different frequency band. Rather, the frequency modulation typically generates multiple harmonics which are overlapping in frequency. Thus, Bodell fails to disclose an optical fiber communications system in which each low-speed channel is allocated a different frequency band, as recited in claim 1.

For the record, to the extent that Examiner suggests that the step of estimating in claim 1 is known to one of ordinary skill in the art, and that Bodell suggests this estimating step or provides motivation to combine this estimating step with the rest of Bodell, Applicants respectfully disagree.

For the reasons given above, Applicants submit that Bodell fails to disclose or suggest the invention as recited in claim 1. Nor do the other prior art references of record cure Bodell's deficiencies. Therefore, Applicants respectfully submit that claim 1 is in condition for allowance. Furthermore, since independent claim 7 recites similar limitations, and dependent claims 2-6, and 8-12 recite additional patentable limitations (e.g., applying a gain ramp), these claims are patentable over Bodell for at least the same reasons. Therefore, Applicants further submit that claims 2-12 are also in condition for allowance.

CONCLUSION

In sum, Applicants respectfully submit that claims 1-12, as presented herein, are patentably distinguishable over the prior art of record. Therefore, Applicants request reconsideration and allowance of these claims.

In addition, Applicants respectfully invites Examiner to contact Applicants' representative at the number provided below if Examiner believes it will help expedite furtherance of this application.

RESPECTFULLY SUBMITTED,
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Date: March 30, 2004 By: Dorian Cartwright

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